

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

COMPREHENSIVE MANUFACTURING
ASSOCIATES, LLC,

Plaintiff,

v.

3:15-CV-0835 (TJM/DEP)

SUPPLYCORE INC.,

Defendant.

THOMAS J. McAVOY,
Senior United States District Judge

DECISION & ORDER

I. INTRODUCTION

This action was referred to the Hon. David E. Peebles, Chief United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c). No objections to Magistrate Judge Peebles's May 24, 2017 Amended Report, Recommendation, and Order [dkt. # 85] have been filed, and the time to do so has expired.

II. DISCUSSION

After examining the record, this Court has determined that the Report, Recommendation, and Order is not subject to attack for plain error or manifest injustice.

III. CONCLUSION

Accordingly, the Court **ADOPTS** the Report, Recommendation, and Order [dkt. # 85]

for the reasons stated therein. Thus,

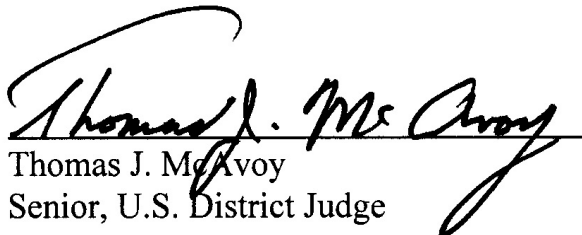
(1) All claims asserted by Comprehensive Manufacturing Associates, LLC ("Comprehensive") in its Second Amended Complaint against SupplyCore, Inc. ("SupplyCore") are **DISMISSED**;

(2) Comprehensive is deemed to be in default with respect to SupplyCore's counterclaims, and the Clerk of the Court is directed to enter Comprehensive's default with respect to those counterclaims; and

(3) The matter is set down for further proceedings regarding damages in connection with SupplyCore's counterclaims against Comprehensive. The Court directs the Clerk of the Court, in consultation with SupplyCore's counsel, to schedule a hearing for the purpose of determining these damages. In anticipation of this hearing, SupplyCore's counsel is directed to file, thirty (30) days in advance of the hearing, any competent evidence that may enable the Court to determine, with reasonable certainty, the amount due by Comprehensive for damages on some or all of the counterclaims. If the additional information is sufficient and unopposed, the Court may decide the amount of damages on the basis of the written submissions alone. If the evidence is opposed and/or insufficient, the Court will proceed with the hearing to determine these damages.

IT IS SO ORDERED.

Dated: June 21, 2017


Thomas J. McAvoy
Senior, U.S. District Judge